

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY PRO SE OFFICE
2020 NOV 26 PM 12:42

Michael Lee et, al.

Write the full name of each plaintiff.

20-cv-10126

No. 1:20-cv-08407-GBD-SDA
(To be filled out by Clerk's Office)

-against-

**AMENDED
COMPLAINT**
(Prisoner)

Department of Corrections et, al.

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other: Equal Protection Cause/Rights, Cruel and Unusual Punishment

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>Michael</u>	<u>J.</u>	<u>Lee (See V. FACTS & VI. Herein)</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

3492001663

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Vernon C Baine Center

Current Place of Detention

1 Halleck Street

Institutional Address

BRONX

County, City

New York

State

10474

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☒ Other: Parole's

DEFENDANT INFORMATION

If, due to your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. If you believe that the defendants listed below are identical to those listed in the caption, Attach pages as necessary.

- 1: Cynthia Brann
 First Name Last Name Shield #
New York Department of Corrections Commissioner
 Current Job Title (or other identifying information)
 Current Work Address
 County, City State Zip Code
- 2: Patsy Yang
 First Name Last Name Shield #
Health Director Commissioner
 Current Job Title (or other identifying information)
 Current Work Address
 County, City State Zip Code
- 3: Margaret Egan
 First Name Last Name Shield #
Board of Correction Executive Director
 Current Job Title (or other identifying information)
 Current Work Address
 County, City State Zip Code
- 4: _____
 First Name Last Name Shield #
 Current Job Title (or other identifying information)
 Current Work Address
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Vernon C. Baine Center Dorm: 2-BA

Date(s) of occurrence: September 22nd, 2020 - November 19th, 2020

FACTS: (continued on (5) ~~4~~ therein)

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

Each Plaintiff listed below has had there Constitutional Rights violated by the Defendants by (1) Forcing EACH Plaintiff against there own free will or Right to be housed in Improper, Housing Conditions including Dangerous and Deadly Conditions during the COVID-19 Pandemic housing Plaintiff's below 2-BA in between 45-50 max Capacity violating "Mandates" set by Gov. Andrew Cuomo and Mayor Bill DeBlasio, of Inside Gathering of 25% or Now 50% MAX capacity we are x2-x3 times that Amount in "2BA Housing Unit". This is Cruel & unusual Punishment, Moreover it violates our Equal Protection Rights to not be afforded "the same Liberties" as other people of "Social Distancing 6ft inbetween each person" Each Bed is 2-3 Inches behind another bed with NO Divider's NOTHING in between each bed and 2-3 ft across from beds next to the other. We are being forced against our Rights or will into Deadly Dangerous CONDITIONS. This is True for the following Inmates; Detainees(5) ~~et al.~~ :

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

VI. RELIEF (continued on page (8) therein)

State briefly what money damages or other relief you want the court to order.

To have the "Equal Liberties" as others of Social Distancing 50% Not 97%-100% max Capacity. And To FOLLOW the Legal MANDATES SET by Gov. Andrew Cuomo, and Mayor Bill DeBlasio to "R.O.R. / RELEASE" the Following Detainees, Inmates et. al.:

- 1). Parolees with just Technical violations
- 2). People 50 or 60 years of age and Older
- 3). People with Underlying health Conditions that make them Vulnerable to the COVID-19 Virus

V. FACTS (continued):

Joe Brewton #3492002387

Mario Espinal #3492002562

George Macedon #3492002165

Flores Jose 349-200-2283

Jonathan Morales #1412002971

[REDACTED]

Cabral Victor #1412001723

Parris V. Colon #141-2002-813

Dayquan Johnson #412002936

PHAM LAM #8951901162

Joe Brewton #349-2002-387

Juan Ortiz #349-2002-305

Sonny Squire #4102000639	James Clark #1411709283
Jonathan Martinez #3492001577	Cyrl Sheppard #3492002011
Curtis Clark #1412002253	Michael Mota #44120000457
Christopher Dejesus #1412002246	Andre Boyd #4411901712
Dewayne Boone #4412001752	Carl Henley #2411800815
Frank Pagan #3492001603	Johnny Blanding #3491907402
Jonathon Stevens #1412002119	Justin Mangal #441807062
Paul Reed #1412001725	Noel Fernandez #4411904753
Josiah Pringle #1412001750	Luis Molina #3001900157
Carlos Bradley #3102000187	Lester Pearson #3002000233
Hopeton Prendergast #4411905343	Bill Graves #3002000211
Willie Smith #8951900921	Timothy Linares #5412000200
Raymond Salgado #1412001188	Frank Crawley #2412001232
Timothy Ward #2412001588	Matthew Karcelsky #1411903366
Andre Fonseca #1412002023	Rampersaud Persaud #
Walter Ware #4411803480	4411904165
Shamar Calloway #4412001754	Christopher Johnson #
Keemal Cross #1411710237	3492002320
Deryck Brown #2411800501	Morris Tate #2412001025
Hakim Barrow #825000054	Eon Struthers #5102000007
Devon Parker #9002000003	Jonathan Weaver #1412001833
Theodore Tucker #3492001370	Edward Branch #3002000027
James Jackson #1411904748	Orlando Plummer #
Ricardo Gilcaber #141200522	4412001257
Emmanuel Rosario #3492001164	Allen Nimmons #
Manuel Velasquez #3482001339	3492002662
Willet Davidson #3491905326	James Evans #2412001523
Darius Batts #3491904664	Luis Charles #1412002870

VI. RELIEFS (continued)

4). People with non-violent charge(s) Except:

If a person Health Condition's make them vulnerable to the virus, with violent charges would consider R.O.R

Next is Compensative Damages for "EACH" Plaintiff in this Complaint in AMOUNT of \$250,000.00 a piece For Constitutional Right violations listed Herein to be payed by Defendants in this COMPLAINT "Additional" Punitive Damages for "EACH" Plaintiff in this COMPLAINT in the AMOUNT of \$250,000.00 a piece for the Constitutional Right violations listed Herein to be payed by Defendants in this COMPLAINT

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS (See Attached letter Herein)

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

10/20/20

Dated

Michael J. Lee

Plaintiff's Signature

Michael

J.

Lee

First Name

Middle Initial

Last Name

1 Halleck St

Prison Address

(All Plaintiff(s) Address Herein)

Brook

County, City

N.Y.

State

10474

Zip Code

(All Plaintiff(s) County, State and Zip Codes)

Date on which I am delivering this complaint to prison authorities for mailing:

10/20/20
11/20/20

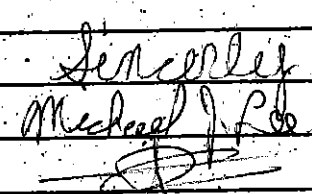
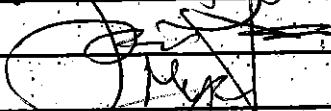
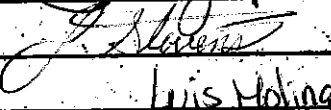
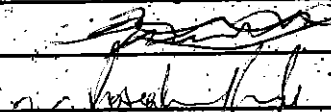
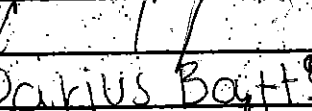
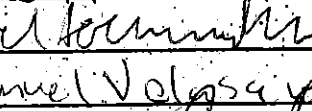
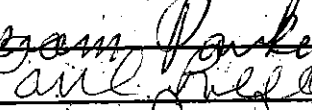
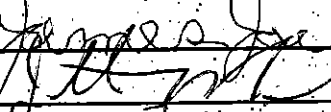
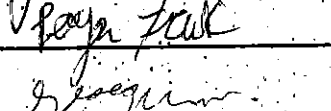

(a)



Dear Clerk of Court,

We, are All writing to you to AMEND
the U.S.C.A §1983 COMPLAINT Annexed herein
Due to lack of ability to do legal Research
we were unable to put down ALL the
Constitutional Right violations prior to this
"AMENDED §1983 U.S.C.A Complaint" or original
U.S.C.A §1983 COMPLAINT. Now we have
Corrected and Put the Full Constitutional
Rights violation(s) that the Defendants violated.
Also AMENDED on New Complaint put the
CORRECT Name(s) of Reliefs for Money
Damages therein. Lastly Additional Plaintiffs
that have been housed in U.C.B.C Dorm Unit
2-BA Since Original Complaint therein. THEREFORE
Plaintiff(s) herein REQUEST that Clerk of Court
to EXCEPT this NEW "AMENDED §1983
U.S.C. COMPLAINT", annexed herein. Moreover Can the
clerk court Attach EXHIBITS Listed in original Complaint
to "New" AMENDED §1983 U.S.C.A COMPLAINT Herein.
Thank you,

DATED: 11-20-20

	 Michael J. Rob
James Evans Jr	
William Smith	Bill Brattas
Victor Cabral	
Ricardo Gilcabrera	
Hakim B. Williams	
Walter Sanders	Luis Molina
Cyril Shippard	
Wendi Clark	
Parris V. Colon	
Derrick Brown	Darius Batts
Christina DeTous	Neri Lomun
Daiquan Johnson	Manel Volosayez
PHAM LAM	
Theodore D. Tucker	
Andre Boyd	James Jackson Jr.
Carl Henley	
	Ray Fick
	Reseguir

1 Halleck St.
Bronx, N.Y. 10474



RECEIVED

2020 NOV 24 AM 10:16

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Pro Se
SM

ATTN: Clerk of Court
UNITED STATES
Southern District Court
of New York State
500 Pearl Street
COURT HOUSE
New York, N.Y. 10007

RECEIVED
2020 NOV 24 PM 12:32

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

